



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,537	01/11/2001	Noureddine Khelifa	1948-4745	5731

27123 7590 04/15/2002

MORGAN & FINNEGAN, L.L.P.  
345 PARK AVENUE  
NEW YORK, NY 10154

EXAMINER

FORD, JOHN K

ART UNIT	PAPER NUMBER
----------	--------------

3743

DATE MAILED: 04/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/743 537

Applicant(s)

Khe/ifa

Examiner

FORD

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

4/25/02

John K. Ford  
Primary Examiner

## Status

- 1) ☒ Responsive to communication(s) filed on 1-11-01 (preliminary amendment & protest)
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-9 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

Art Unit: 3743

This application contains claims directed to the following patentably distinct species of the claimed invention:

first species of Figure 1 (as shown),  
second species of Figure 2 (as shown),  
third species of Figure 3 (as shown),  
fourth-sixth species of Figures 1-3, respectively, each with the modification of Figure 4,  
seventh-twelfth species of system comprising each of the first-sixth species, respectively,  
identified above with the modification of Figure 5, and  
an in-determinant number of additional species in which one or more modifications to fluid circuits 20 and/or 30 undertaken in Figures 6a-6e and 7, are applied to any of the first twelve species, identified above.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 may be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations

Art Unit: 3743

of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

In the event one of the indeterminate number of additional species is elected, a proposed drawing correction similar to one of Figures 1-3 with the particular modified fluid circuit 20 and/or 30 from the possibilities shown in Figures 6a - 6e and 7, is required.

The drawings are objected to because the description of Figures 6a-6e and 7 in the specification makes reference to reference numerals which don't exist in those Figures. Place all reference numerals discussed in the specification on all the Figures to which they pertain. There appear to be some missing numerals in Figures 1-5 however the substantial majority of missing numerals are evident in Figures 6a-6e and 7. Correction is required.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3743

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP 2-41917.

The comments written in German on "Blatt 2" of the PCT 210 form are incorporated here by reference.

Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP 888912. See the PCT 210.

Claims 1, 2 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP 0913281. See the PCT 210.

Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP 59-143716. See the PCT 210.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

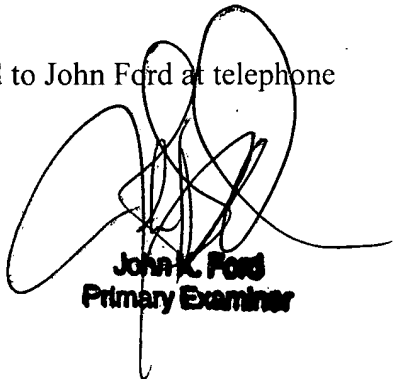
Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of the prior art as applied to claims 1 and 2 above, and further in view of DE 3401207 or Uchikawa.

Art Unit: 3743

Again, see the PCT 210. Apparently, forming two heat exchangers as a structural unit is taught by DE '207 and is clearly taught by Uchikawa. To have formed the downstream heat exchanger(s) as a structural unit with the first heat exchanger to ease assembly would have been obvious. Translations of all foreign references would greatly facilitate meaningful examination of the claimed subject matter. This could not impose any financial hardship on a company the size of Valeo.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to John Ford at telephone number (703) 2636.



**John K. Ford**  
**Primary Examiner**

John Ford

April 6, 2002